

Appl. No. 10/806,555
Docket No. 9586L
Amdt. dated 3/21/07
Reply to Office Action mailed on 1/16/07
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1-8 are now under consideration. Claims 9-14 have been cancelled without prejudice, in view of the amendments to the other claims and to speed prosecution.

Claim 1 (and all claims subsidiary thereto) now recites the presence of calcium hydroxide. Basis is found at page 5, paragraph 5. Claim 8 has also been amended to correct a transcribing error (step "d", second occurrence, not step "e").

It is submitted that all amendments are supported and entry is requested.

Rejection Under 35 USC 112

It is submitted that the amendments of Claim 8 fully meets the §112 rejection at page 2 of the Office Action. Withdrawal of the rejection is requested.

Rejection Under 35 USC 102

Claims 1-8 stand rejected under §102 over US 3,615,677, for reasons of record at pages 2-3 of the Office Action.

Applicants respectfully traverse the rejections on this basis, to the extent it might apply to the claims as now amended.

Before turning to the specific grounds of rejection under §102, attention is directed to the controlling law in this matter.

As stressed in MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (Citations omitted.) Moreover, "The identical invention must be shown in as complete detail as contained in the . . . claim." (emphasis supplied)

Furthermore, not only must all the individual elements be found in a single document, but also they all must be arranged as in the claim under review. *In re Raymond G. Bond*, 910 F. 2d 831; 1990 US App. LEXIS 13087; 15 USPQ 2D (BNA) 1566 [cases cited at LEXIS document, page 2, II.]

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Succinctly stated, '677 does not meet the foregoing tests to support any rejection under §102, with regard to the claims as now amended.

Turning to the cited disclosure (column 6, Example III; see also Example V) of '677, it is submitted that the calcium carbonate disclosed there does not teach calcium hydroxide, per the amended claims herein. Accordingly, it is submitted that '677 cannot support a rejection under §102 as a matter of law. Withdrawal of the rejections on this basis is requested.

Rejections Under 35 USC 103

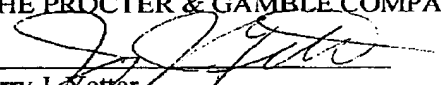
While not acceding to the Examiner's grounds of rejection of Claims 9-14, those claims have been cancelled herewith solely to speed prosecution. Withdrawal of the rejections is therefore requested. For the record, it is noted that the relationship of the instructions to the compositional ingredients (no-steep instructions/compositions formulated to avoid the need for steeping) provides sufficient nexus to warrant patentability over the cited US '677. Claims thereto may be pursued in a separate application, as may be appropriate.

In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,

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